

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FRANK EARL CRUSE,
TDCJ-CID NO.1682892,
Plaintiff,

v.

FRED LOYA INSURANCE, *et al.*,
Defendants.

§
§
§
§
§
§

CIVIL ACTION H-11-2469

ORDER

The Court has considered plaintiff's application for leave to proceed *in forma pauperis* on appeal and the documents attached to the application. It is ORDERED that:

1. Pursuant to 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the Court certifies that the appeal is not taken in good faith and does not present a substantial question for the reasons set forth in the Court's Opinion on Dismissal of August 16, 2011. (Docket Entry No.4). Furthermore, plaintiff's notice of appeal from the dismissal of this case is untimely.

2. Although this Court has certified that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the plaintiff may challenge this finding pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, United States Court of Appeals for the Fifth Circuit, within thirty days of the date of this order.

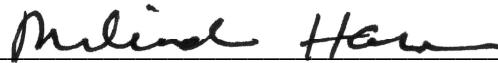
3. If plaintiff moves to proceed on appeal *in forma pauperis*, he is not required to pay an initial partial filing fee because he lacks sufficient funds. Plaintiff shall pay the entire filing fee of \$455.00 in periodic installments as required by 28 U.S.C. § 1915(b)(2). The agency having custody of plaintiff shall collect this amount from the inmate's trust account and forward it to the court when funds are available.

4. The applications for leave to proceed *in forma pauperis* on appeal (Docket Entries No.8, No.10) are DENIED.

5. All other pending motions are DENIED. The Court shall transfer the records in this case to the Court of Appeals upon request by the Fifth Circuit.

6. The Clerk shall prove a copy of this order to the plaintiff and a copy of this order by facsimile transmission, regular mail, or e-mail to the Manager of the Three Strikes List.

SIGNED at Houston, Texas, this 18th day of November, 2011.

A handwritten signature in black ink, appearing to read "Melinda Harmon", is written over a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE